

Introduced by Senator Mendoza

February 27, 2015

An act to amend Sections 313.1, 313.2, and 51461 of the Education Code, relating to English language education.

LEGISLATIVE COUNSEL'S DIGEST

SB 750, as introduced, Mendoza. English language education: English learners: State Seal of Biliteracy.

(1) Existing law requires each school district that has one or more pupils who are English learners, and, to the extent required by federal law, a county office of education and a charter school, to assess the English language development of each of those pupils in order to determine the pupil's level of proficiency. Existing law requires the State Department of Education, with the approval of the State Board of Education, to establish procedures for conducting the assessment and for the reclassification of a pupil from English learner to English proficient.

Existing law defines "long-term English learner" as an English learner who is enrolled in any of grades 6 to 12, inclusive, has been enrolled in schools in the United States for more than 6 years, has remained at the same English language proficiency level for 2 or more consecutive years as determined by a specified English language development test, or any successor test, and scores far below basic or below basic on a certain English language arts standards-based achievement test, or any successor test.

This bill would revise that definition to instead include an English learner who has been enrolled in schools in the United States for 6 years or more, has remained at the same English language proficiency level for 2 or more consecutive years as determined by the specified English

language development test, or any successor test, or has regressed to a lower English language proficiency level, and scores far below basic or below basic on the specified English language arts standards-based achievement test, or an equivalent score on any successor test.

(2) Existing law defines an “English learner at risk of becoming a long-term English learner” as an English learner who is enrolled in any of grades 5 to 11, inclusive, in schools in the United States for 4 years, scores at the intermediate level or below on the specified English language development test, or any successor test, and scores in the fourth year at the below basic or far below basic level on a certain English language arts standards-based achievement test, or any successor test.

This bill would revise that definition to instead include an English learner who is enrolled in any of grades 3 to 12, inclusive, in schools in the United States for 4 to 5 years, scores at the intermediate level or below on the specified English language development test, or any successor test, and scores in the fourth or fifth year at the below basic or far below basic level on the specified English language arts standards-based achievement test administered, or an equivalent score on any successor test.

(3) Existing law requires the department to annually ascertain and provide to school districts and schools the number of pupils in each school district and school, as specified, who are, or are at risk of becoming, long-term English learners.

This bill would also require the department to post the number of long-term English learners and English learners at risk of becoming long-term English learners in the state.

(4) Existing law requires the Superintendent of Public Instruction to award a State Seal of Biliteracy. Existing law provides that the State Seal of Biliteracy certifies attainment of a high level of proficiency by a graduating high school pupil in one or more languages, in addition to English, and certifies that the graduate meets specified criteria, including, but not limited to, passing the California Standards Test in English language arts administered in grade 11 at the proficient level or above.

This bill would require the Superintendent, in the event that scores of the California Standards Test in English language arts or any successor test are not made available, to designate alternate equivalent criteria for eligibility for the State Seal of Biliteracy, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 313.1 of the Education Code is amended
to read:

313.1. For purposes of this article, the following terms have
the following meanings:

(a) “Long-term English learner” means an English learner who
is enrolled in any of grades 6 to 12, inclusive, has been enrolled
in schools in the United States for ~~more than six years~~, *six years*
or more, has remained at the same English language proficiency
level for two or more consecutive years as determined by the
English language development test identified or developed pursuant
to Section 60810, or any successor test, *or has regressed to a lower*
English language proficiency level, and scores far below basic or
below basic on the English language arts standards-based
achievement test administered pursuant to Section 60640, or *an*
equivalent score on any successor test.

(b) “English learner at risk of becoming a long-term English
learner” means an English learner who is enrolled in any of grades
~~5 to 11~~, *3 to 12*, inclusive, in schools in the United States for four
to five years, scores at the intermediate level or below on the
English language development test identified or developed pursuant
to Section 60810, or any successor test, and scores in the fourth
or fifth year at the below basic or far below basic level on the
English language arts standards-based achievement test
administered pursuant to Section 60640, or *an equivalent score*
on any successor test.

SEC. 2. Section 313.2 of the Education Code is amended to
read:

313.2. (a) The department shall annually ascertain the number
of pupils in each school district and school, including a school that
is within the jurisdiction of a county office of education and a
charter school, who are, or are at risk of becoming, long-term
English learners, as those terms are defined in Section 313.1.

(b) The department shall annually provide the information
described in subdivision (a) to school districts and ~~schools~~, *schools*
and post the number of long-term English learners and English

1 *learners at risk of becoming long-term English learners in the*
2 *state.*

3 SEC. 3. Section 51461 of the Education Code is amended to
4 read:

5 51461. (a) The State Seal of Biliteracy certifies attainment of
6 a high level of proficiency by a graduating high school pupil in
7 one or more languages, in addition to English, and certifies that
8 the graduate meets all of the following criteria:

9 (1) Completion of all English language arts requirements for
10 graduation with an overall grade point average of 2.0 or above in
11 those classes.

12 (2) (A) Passing the California Standards Test in English
13 language arts administered in grade 11 at the proficient level or
14 above.

15 (B) *In the event that scores of the California Standards Test in*
16 *English language arts or any successor test are not made available,*
17 *the Superintendent shall designate alternate equivalent criteria*
18 *for eligibility for the State Seal of Biliteracy. This criteria shall be*
19 *used only for the duration of the unavailability of these assessment*
20 *scores.*

21 (3) Proficiency in one or more languages other than English,
22 demonstrated through one of the following methods:

23 (A) Passing a foreign language Advanced Placement
24 examination with a score of 3 or higher or an International
25 Baccalaureate examination with a score of 4 or higher.

26 (B) Successful completion of a four-year high school course of
27 study in a foreign language, and attaining an overall grade point
28 average of 3.0 or above in that course of study.

29 (C) If no Advanced Placement examination or off-the-shelf
30 language test exists and the school district can certify to the
31 Superintendent that the test meets the rigor of a four-year high
32 school course of study in that foreign language, passing a school
33 district language examination that, at a minimum, assesses
34 speaking, reading, and writing in a language other than English at
35 the proficient level or higher. If a school district offers a language
36 examination in a language in which an Advanced Placement
37 examination or off-the-shelf language test exists, the school district
38 language examination shall be approved by the Superintendent for
39 the purpose of determining proficiency in a language other than
40 English.

1 (D) Passing the SAT II foreign language examination with a
2 score of 600 or higher.

3 (b) If the primary language of a pupil in any of grades 9 to 12,
4 inclusive, is other than English, he or she shall do both of the
5 following in order to qualify for the State Seal of Biliteracy:

6 (1) Attain the early advanced proficiency level on the English
7 language development test. For purposes of this paragraph, a
8 participating school district may administer the English language
9 development test an additional time as necessary.

10 (2) Meet the requirements of subdivision (a).

11 (c) For languages in which an Advanced Placement test is not
12 available, the Superintendent may provide a listing of equivalent
13 summative tests that school districts may use in place of an
14 Advanced Placement test for purposes of subparagraph (A) of
15 paragraph (3) of subdivision (a). A school district may provide the
16 Superintendent with a list of equivalent summative tests that the
17 district uses in place of an Advanced Placement test for purposes
18 of subparagraph (A) of paragraph (3) of subdivision (a). The
19 Superintendent may use lists received from school districts in
20 developing his or her list of equivalent summative tests.

21 (d) For purposes of this article, “foreign language” means a
22 language other than English, and includes American Sign
23 Language.